

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

JOHNNY THOMAS ORTIZ II; *et al.*,

Plaintiffs,

v.

NORTH CAROLINA STATE BOARD OF  
ELECTIONS; *et al.*,

Defendants.

Civil Action No.: 5:24-cv-420-BO

**CONSENT MOTION TO CONTINUE HEARING**

Plaintiffs Johnny Thomas Ortiz II, Jimmie Gregory Rogers Jr., and Weldon Murphy (“Plaintiffs”) respectfully move this Court for an order continuing the motion hearing set for October 2, 2025, to the week of November 10, 2025, at a day and time convenient to the Court. In support of this motion, Plaintiffs provide the following:

1. Plaintiffs filed a Complaint and Emergency Motion for Preliminary Injunction on July 22, 2024. [D.E. 1, 8].
2. On August 12, 2024, the Court entered an Order granting in part and denying in part Plaintiffs’ Emergency Motion for Preliminary Injunction, D.E. 55, which *inter alia* ordered Defendants to include North Carolina Justice for All Party’s candidates on the ballot for the 2024 general election. The Order further granted Intervenor-Plaintiffs motion to intervene, permitting their Complaint to be filed the same day. [D.E. 55, 56]. The Court also retained jurisdiction to enforce the terms of the Order and “to grant such further and additional relief as the court deems appropriate, including declaratory relief, injunctive relief, and an award of reasonable attorney’s fees and litigation costs under 42 U.S.C. § 1988.” [D.E. 55 at p. 30].

3. Defendants filed a motion to dismiss Plaintiffs' and Intervenor-Plaintiffs' Complaints as moot on January 2, 2025. [D.E.s 66, 67]. Plaintiffs filed a motion for summary judgment on June 16, 2025, arguing the case was not moot. [D.E. 81-83]. Plaintiffs' motion for summary judgment has been fully briefed by the parties. [D.E.s 81-83, 88-89, 92-93]. On July 22, 2025, Intervenor-Plaintiffs filed a motion for leave to file their First Amended Complaint. [D.E.s 90-91]. Intervenor-Plaintiffs' motion has been fully briefed by the parties. [D.E.s 94-95]. All three motions are currently pending.

4. On September 5, 2025, by way of text order, this Court set an in-person motions hearing for Thursday, October 2, 2025, at 2:00pm E.S.T.

5. Plaintiffs respectfully request that the October 2 hearing date be continued to the week of November 10, 2025, to resolve pre-existing scheduling conflicts with Plaintiffs' counsel. Specifically, counsel for Plaintiffs has an oral argument at the United States Supreme Court on October 15, 2025, a federal bench trial in the Middle District of North Carolina beginning on October 20, 2025, and a likely out of state preliminary injunction hearing expected to last from October 1-5. All conflicts were previously scheduled at the time of the Court's scheduling notice on September 5, 2025. Continuing the hearing for approximately thirty days will ensure that counsel for Plaintiffs clears these conflicts and can devote the appropriate time and preparation to the hearing. Thus, good cause exists for the requested continuance.

6. This is the first request for a continuance of the motions hearing, and this motion is made within the current deadline and not for an improper purpose. Neither the Court nor any party will be prejudiced by the brief requested extension.

7. Counsel for Plaintiffs conferred in good faith with counsel for Defendants and Intervenor-Plaintiffs. All parties consent to the requested extension.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully request that the Court enter an order continuing the Motions Hearing set for October 2, 2025, to the week of November 10, 2025.

Respectfully submitted, this the 12th day of September, 2025.

**NELSON MULLINS RILEY &  
SCARBOROUGH LLP**

By: /s/ Phillip J. Strach  
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*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I, Phillip J. Strach, hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will provide electronic notification to counsel of record.

Dated: September 12th, 2025.

By: /s/ Phillip J. Strach  
Phillip J. Strach (NC Bar No. 29456)